

Gerald J. McMahon, Esq.  
The Standard Oil Building  
26 Broadway, 18<sup>th</sup> Floor  
New York, New York 10004  
212.797.1877  
[gm@geraldjcmahon.com](mailto:gm@geraldjcmahon.com)

April 26, 2015

By ECF

The Honorable Roslynn R. Mauskopf  
United States District Judge  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Choudry Khalil  
13 Cr. 386 (S-3) (RRM)

Dear Judge Mauskopf:

I write in response to the order of the Court (docket no. 84) directing the parties to respond to the *Apprendi* issue with respect to Counts Six, Seven and Eight of the indictment. The defense agrees that, if the government seeks an enhanced penalty under 18 U.S.C. § 1028(b)(1)(A)(ii), an election which they are by no means required to make, then the jury must find the specific document to be a British drivers license.

Very truly yours,

/s/ Gerald J. McMahon  
Gerald J. McMahon

GJM:cw  
cc: Alexander A. Solomon, Esq.  
Matthew Jacobs, Esq.  
Assistant United States Attorneys  
(By ECF)